



*United States Attorney
Northern District of California*

*11th Floor, Federal Building
450 Golden Gate Ave., Box 36055
San Francisco, CA 94102-3495*

*(415)436-7200
FAX: (415)436-7234*

March 7, 2025

VIA ECF

The Honorable William H. Alsup
United States Senior District Judge
United States District Court, Northern District of California
Phillip Burton Federal Building and United States Courthouse
450 Golden Gate Avenue, 19th Floor
San Francisco, CA 94102

Re: *American Federation Of Government Employees, AFL-CIO et al v. United States
Office of Personnel Management et al*, 3:25-cv-01780-WHA (N.D. Cal.)

Dear Judge Alsup:

I write on behalf of Defendants in the above-captioned matter pursuant to the Court's oral order at the March 6, 2025 status conference to provide a report regarding the Internal Revenue Service (IRS) Chief Human Capital Officer (CHCO), whom Plaintiffs alleged has been placed on administrative leave status. *See* Dkt. 60.

Counsel does not represent the Treasury Department or the IRS in this matter and is not authorized to speak on their behalf. As of this filing, neither entity is a party to this action. Nor is the IRS employee at issue a probationary employee. Nor, moreover, has the employee personally participated in this litigation as a witness or otherwise.

Rather, Defendants understand that Plaintiffs have obtained from another individual, video evidence that Plaintiffs represent portrays statements made by the IRS CHCO, which Plaintiffs have submitted to the Court. *See* Dkt. 39-5. Thus, while undersigned counsel has performed a good faith investigation pursuant to the Court's order, issues related to the employment status of the IRS employee at issue go beyond the scope of this litigation. These assertions involve neither claims advanced by Plaintiffs nor Defendants in this suit.

Nevertheless, in the interest of comity, counsel promptly investigated the issue following the status conference. Immediately after the Court's conference, counsel for Defendants contacted counsel at the Treasury Department regarding this issue. Undersigned counsel understands that Treasury Department officials indicated that the consideration to place the employee on administrative leave involves circumstances separate from those at issue in this case and was contemplated prior to and made without any knowledge of this case. Further explanation of these circumstances may run afoul of federal laws related to the privacy of federal records and the administrative schemes applicable to employment-related claims by federal employees.

Respectfully submitted,

/s/ Kelsey J. Helland
KELSEY J. HELLAND
Assistant United States Attorney

Attorney for Defendants